

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

JOSEPH PRENDERGAST,

Plaintiff,

V.

GES EXPOSITION SERVICES, INC.,

Defendant.

FILED: JULY 22, 2008

08CV4159

JUDGE NORDBERG

MAGISTRATE JUDGE COLE

Case No.:

PH

PETITION FOR REMOVAL TO UNITED STATES DISTRICT COURT

Defendant/Petitioner, GES Exposition Services, Inc., (hereinafter “GES”), by its attorneys, Adrian Mendoza and Edward Sherman of Lillig & Thorsness, Ltd. and pursuant to 28 U.S.C. §1441(b), seek removal of this action from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois. In support thereof, Defendant/Petitioner states as follows:

1. GES is named as a Defendant in an action styled *Joseph Predergast v. GES Exposition Services, Inc.*, Civil Action Number 2008 L 005746. This action was filed in the Circuit Court of Cook County May 23, 2008. *See Complaint attached hereto as Exhibit "A."* Plaintiff alleges that he was injured on February 4, 2008 at the premises located at 2301 South Lake Shore Drive, Chicago, Illinois and commonly known as McCormick.

2. GES was first served with the Summons on June 10, 2008.

3. GES is a Nevada corporation with its principal place of business in Las Vegas, Nevada. *See Affidavit of Jennifer L. Kaleta attached hereto as Exhibit "B."*

4. On June 20, 2008, GES served Plaintiff with a Request to Admit Facts seeking an admission from Plaintiff that the amount of damages sought from GES is in excess of \$75,000.00

and that Plaintiff is a citizen of the State of Illinois and not of Nevada. *See GES' Request to Admit Facts attached hereto as Exhibit "C"*.

5. On July 16, 2008, Plaintiff filed and served a Response to Request to Admit Facts. While Plaintiff admitted that he is a citizen of the State of Illinois and not of Nevada, he failed to either deny that the amount of damages sought was in excess of \$75,000.00 or set forth in detail why he could not truthfully admit or deny the request regarding the amount of damages sought. In addition, Plaintiff's Response was not signed and sworn to by Plaintiff. *See Plaintiff's Response to Defendant's Request to Admit attached hereto as Exhibit "D."*

6. "The plain language of the rule [216] states that the party to whom the requests to admit are directed must serve upon the requesting party either "a sworn statement denying the matters of which admission is requested..." (Vision Point of Sale, Inc. v. Haas) 226 Ill.2d 334, 355, 875 N.E.2d 1065 (2007) or setting forth in detail why he could not truthfully admit or deny those matters. Ill.S.Ct.Rule 216(c)

7. Plaintiff's failure to comply with the requirements of Illinois Supreme Court Rule 216(c) results in the matters being deemed admitted.

8. Accordingly, diversity of citizenship exists between Plaintiff and GES. This is a civil action for which the United States District Court has original jurisdiction pursuant to 28 U.S.C §1332.

9. Pursuant to the provisions of 28 U.S.C. § 1441 et seq., GES has the right to remove this action from the Circuit Court of Cook County to the United States District Court for the Northern District of Illinois.

10. This petition for removal is timely and that it is being filed within 30 days of GES'

receipt of Plaintiff's response to GES' request to admit facts. The response constitutes a "paper from which it may first be ascertained that the case in one which is or has become removable within the meaning of 28 U.S.C. §1446(b)." In addition, this petition for removal is being filed within one year from the date the complaint was filed thereby satisfying the requirements of 28 U.S.C. §1446(b). Therefore this petition for removal is proper pursuant to 28 U.S.C. §1446(b). Notice of this petition for removal has been filed with the Clerk of the Court of Cook County and notice has been given to Plaintiff pursuant to 28 U.S.C. §1446(d). *See copy of Notice of Petition for Removal, Exhibit "E"*.

11. Pursuant to 28 U.S.C. §1446, GES is filing with this pleading a copy of all pleadings provided to it by Plaintiff's counsel in the Circuit Court of Cook County action.

Wherefore, Defendant/Petitioner, GES EXPOSITION SERVICES, INC., prays that this Honorable Court enter an Order removing this action to the United States District Court for the Northern District of Illinois and that this Court accept jurisdiction of this action and place it on this Court's docket for further proceedings, the same as though this action had originally been instituted in this Court.

Respectfully submitted,

GES EXPOSITION SERVICES, INC.

By: /s/Adrian Mendoza

One of its attorneys

Adrian Mendoza
ARDC #6225634
Edward Sherman
ARDC #6283991
LILLIG & THORSNESS, LTD.
1900 Spring Road
Suite 200
Oak Brook, IL 60523
Telephone: (630) 571-1900
Facsimile: (630) 571-1042

#39224

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOSEPH PRENDERGAST,

Plaintiff,

v.

GES EXPOSITION SERVICES, INC.

Defendant,

No:

08CV4159

JUDGE NORDBERG

MAGISTRATE JUDGE COLE

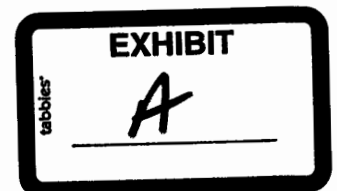
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COMPLAINT AT LAW

COUNT I-PERSONAL INJURY, NEGLIGENCE, DEFENDANT, GES EXPOSITION
SERVICES, INC.

Now comes the Plaintiff, JOSEPH PRENDERGAST, by his attorneys, STRELLIS & FIELD, CHARTERED and for his cause of action against the Defendant, GES EXPOSITION SERVICES, INC (hereafter "GES EXPOSITION") alleges as follows:

1. At times pertinent hereto, the Defendant, GES EXPOSITION, was conducting regular business within the County of Cook and State of Illinois, was engaged in construction of booths at trade shows.
2. On February 4, 2008, Defendant, METROPOLITAN, was engaged in the assembly of installation of flooring in the area commonly known as the 'Chrysler Booth' within the business located at 2301 S. Lake Shore Drive in Chicago, County of Cook and State of Illinois.
3. On February 4, 2008 the Plaintiff was on the aforesaid premises in furtherance of his work as a skilled electrician employed by Metropolitan Pier and Exposition Authority.



4. On February 4, 2008, it was the duty of the Defendant, GES EXPOSITION, to exercise ordinary care in installing the flooring in the premises mentioned above so as not to negligently cause injury to employees working at business where the flooring was being installed.

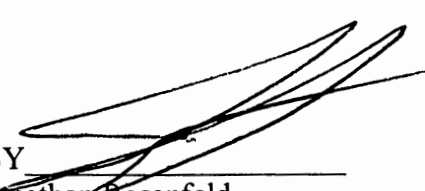
5. Disregarding its duty in the premises, Defendant was on the above mentioned date, guilty of one or more of the following acts or omissions:

- (a) Negligently failed to remove the obstruction and hazard caused by flooring that had been placed on the premises;
- (b) Negligently failed to keep a clean work area when it knew or should have known the businesses employees would have been traversing the hazardous area;
- (c) Negligently failed to warn the Plaintiff that work was being done in the area and that obstructions would exist that would prevent one from safely traversing the area;
- (d) Negligently failed to provide a barricade or marking around the area where work was being conducted;
- (e) Negligently allowed the existence of holes in the protective plastic tarping covering the flooring in a new booth; and
- (f) Was otherwise negligent.

6. As a direct and proximate result of the negligent acts or omissions of the agents of METROPOLITAN, Plaintiff slipped and fell sustaining severe and painful injuries to his body, Plaintiff has expended and become liable for large sums of money for hospital and medical expenses, Plaintiff has been prevented from pursuing his occupation and has and will continue to be deprived of the pleasures and enjoyment of life.

WHEREFORE, Plaintiff, JOSEPH PRENDERGAST , demands judgment against the Defendant, METROPOLITAN for a sum exceeding Fifty Thousand Dollars (\$50,000.00) plus the costs of this action.

STRELLIS & FIELD, CHARTERED



BY
Jonathan Rosenfeld
Strellis & Field, Chartered
444 North Wells Street
Suite 202
Chicago, IL 60610
(312) 201-0000
Attorney #39224

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOSEPH PRENDERGAST,)
)
 Plaintiff,)
)
 v.) No:
)
GES EXPOSITION SERVICES, INC.)
)
 Defendant,)

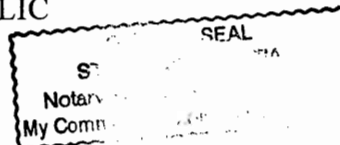
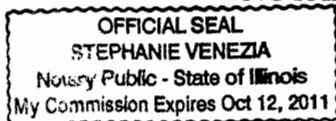
AFFIDAVIT

I, Jonathan Rosenfeld of STRELLIS & FIELD, CHARTERED, after first being duly sworn upon oath, deposes and states that he is the attorney for the plaintiffs in the foregoing pleading and that the total of money damages sought in this cause of action exceeds Fifty Thousand Dollars (\$50,000.00).


Jonathan Rosenfeld

SUBSCRIBED and SWORN to before me this 23rd day of May, 2008.


NOTARY PUBLIC



AFFIDAVIT OF JENNIFER KALETA

Jennifer L. Kaleta, being first duly sworn on oath, deposes and states that if she were called to testify, she would do so to the best of her knowledge and belief as follows:

1. I have personal knowledge as to the current corporate status, state of incorporation and principal place of business of GES Exposition Services, Inc. GES Exposition Services, Inc. is incorporated in the state of Nevada with its principal place of business in Las Vegas, Nevada. GES Exposition Services, Inc. is a subsidiary of Viad Corp. which is incorporated in the State of Delaware with its principal place of business in Phoenix, Arizona.

2. I am an officer of GES Exposition Services, Inc. and hold the title of Assistant Secretary.

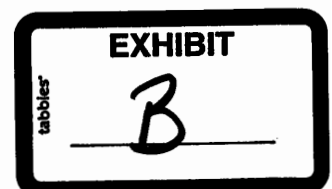
3. Based upon the information obtained to date including Plaintiff's Complaint, I have a good faith belief that the amount in controversy between Plaintiff, Joseph Prendergast and GES Exposition Services, Inc. exceeds \$75,000.00.

FURTHERMORE AFFIANT SAYETH NAUGHT

SUBSCRIBED and SWORN
to before me this 17th day of July, 2008.
State of Notary Nevada.

Muriel A. Harris
NOTARY PUBLIC

Jennifer L. Kaleta
Jennifer L. Kaleta



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOSEPH PRENDERGAST,

Plaintiff,

v.

GES EXPOSITION SERVICES, INC.,

Defendant.

Case No.: 08 L 005746

**GES EXPOSITION SERVICES, INC.'S SUPREME COURT RULE
216 REQUEST TO ADMIT FACTS DIRECTED TO PLAINTIFF**

Comes the Defendant GES Exposition Services, Inc. by its attorney Adrian Mendoza of Lillig & Thorsness, Ltd., and pursuant to Illinois Supreme Court Rule 216 propounds the following Request to Admit Facts on Plaintiff Joseph Prendergast to be answered within twenty-eight (28) days of service.

1. Admit that the monetary damages sought by Plaintiff from GES Exposition Services for the injuries as alleged in Plaintiff's Complaint exceeds Seventy-Five Thousand (\$75,000.00) Dollars.

RESPONSE:

2. Admit that the Plaintiff is a citizen of the State of Illinois.

RESPONSE:

3. Admit that the Plaintiff is not a citizen of the State of Nevada.

RESPONSE:

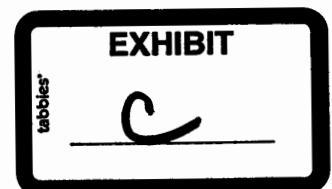
Respectfully submitted,

GES Exposition Services, Inc.

By: 

One of Its Attorneys

Adrian Mendoza
Lillig & Thorsness, Ltd.
1900 Spring Road
Suite 200
Oak Brook, IL 60523
(630) 571-1900
Attorney No.: 11196



#39224

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

JOSEPH PRENDERGAST,

Plaintiff,

v.

GES EXPOSITION SERVICES, INC.

Defendant,

No: 08 L 5746

**PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST TO ADMIT
PURSUANT TO RULE 216**

NOW COMES the Plaintiff, JOSEPH PRENDERGAST, by and through his attorneys STRELLIS & FIELD, CHARTERED, states the following in response to Defendant, GES EXPOSITION'S Request To Admit Facts, Plaintiff states the following:

1. Admit that the monetary damages sought by Plaintiff from GES Exposition Services for the injuries as alleged in Plaintiff's Complaint exceeds Seventy-Five Thousand (\$75,000.00) Dollars.

RESPONSE:

Not enough information to admit or deny.

2. Admit that the Plaintiff is a citizen of the State of Illinois.

RESPONSE:

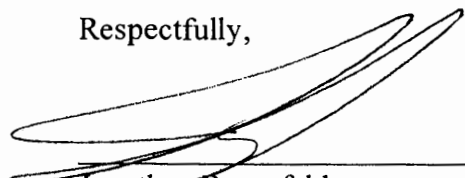
Admit.

3. Admit that the Plaintiff is not a citizen of the State of Nevada.

RESPONSE:

Admit.

Respectfully,


Jonathan Rosenfeld
Attorney For Plaintiff

EXHIBIT

D

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

JOSEPH PRENDERGAST,

Plaintiff,

v.

GES EXPOSITION SERVICES, INC.,

Defendant.

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Case No.: 08 L 005746

NOTICE OF PETITION FOR REMOVAL

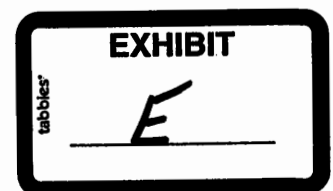
Comes Now the Defendant, GES Exposition Services, Inc., by its attorney, Adrian Mendoza of Lillig & Thorsness, Ltd. and files this Notice of Petition for Removal. GES Exposition Services, Inc. has filed a Petition for Removal to the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. §1441(b).

Respectfully submitted,

GES EXPOSITION SERVICES, INC.

By: Edward R. Sherman
One of Its Attorneys

Atty. No. 11196
Adrian Mendoza
Edward R. Sherman
Lillig & Thorsness, Ltd
1900 Spring Road, Suite 200
Oak Brook, Illinois 60523
(630) 571-1900



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

JOSEPH PRENDERGAST,)	FILED: JULY 22, 2008
)	
Plaintiff,)	08CV4159
)	
v.)	JUDGE NORDBERG
)	MAGISTRATE JUDGE COLE
GES EXPOSITION SERVICES, INC.,)	
)	PH
Defendant.)	

Case No.:

NOTICE OF FILING

LEASE TAKE NOTICE that on July 22, 2008 the Defendant/Petitioner, GES Exposition Services, Inc., filed the attached Petition for Removal to United States District Court with the United States District Court Northern District of Illinois.

Respectfully submitted,

GES EXPOSITION SERVICES, INC.

By: /s/Adrian Mendoza
Adrian Mendoza

Adrian Mendoza
ARDC #6225634
Edward R. Sherman
ARDC #6283991
Lillig & Thorsness, Ltd.
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Suite 20023
(630) 571-1900

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS – EASTERN DIVISION**

JOSEPH PRENDERGAST,

Plaintiff,

v.

GES EXPOSITION SERVICES, INC.,

Defendant.

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Case No.:

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2008 I caused the following document:

Defendant/Petitioner GES Exposition Services, Inc. 's Petition for Removal to United States District Court

To be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Jonathan A. Rosenfeld, Esq.
rosenfeld@strellislaw.com

Dated: July 21, 2008

/s/Adrian Mendoza
Adrian Mendoza